

Coal Corp. v. National Union Fire Insurance Co., 2007 WL 2385388 (E.D. Tenn. 2007) . In order to enforce an oral agreement to settle, the party seeking to enforce it must prove “(1) mutual assent to the contract’s terms, and (2) that the terms are sufficiently definite to be enforceable.” *National Coal Corp.* at p. 3, citing *Castelli v. Lien*, 910 S.W.2d 420, 426-47 (Tenn. Ct. App. 1995).

There can be little doubt that the terms agreed upon by the parties are definite enough to be enforced and that there was been mutual assent to the terms. The four points agreed upon are sufficient to constitute a settlement. Ms. Watkins has already fulfilled one of the conditions of the settlement, and there is no dispute as to the consideration. The sticking point here is Occasions’ refusal to execute a confidential settlement agreement which contains mutual releases, after having agreed to do so.

Accordingly, Watkins seeks an order by this Court to enforce the agreement reached between the parties.

Respectfully submitted this 22nd of September, 2008.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading has been served upon the following counsel for the parties in interest herein by delivering same to the offices of said counsel, or by mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination.

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This the 22nd day of September, 2008.

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